NEW MEXICO

ENVIRONMENT DEPARTMENT

Ground Water Quality Bureau

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GROUND WATER QUALITY BUREAU
DISCHARGE PERMIT – RENEWAL AND MODIFICATION
Issued under 20.6.2 NMAC

Facility Name:	Kolb Bioenergy NM1
Discharge Permit No:	DP-1799
Permittee Name:	Kolb Bioenergy NM1, LLC
Mailing Address:	Jeff Kolb, Owner 5733 Westwood St. Charles, MO 63304
Facility Location:	6402 Price's Lane Dexter, NM Sections 32 and 33, Township 11S, Range 25E and Sections 11, 12, and 15, Township 12S, Range 25E
County:	Chaves
Permitting Action:	Renewal
Source Classification:	Agriculture – Energy Utility
Permit Issuance Date:	DATE
Permit Expiration Date:	DATE
NMED Permit Contact:	Avery Young
Telephone Number/Email:	(505) 699-8564/avery.young@state.nm.us

MICHELLE HUNTER
Chief, Ground Water Quality Bureau

TABLE OF CONTENTS

LIST OF TABLES

PART A GENERAL INFORMATION

A100 Introduction

A. The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), **DP-1799,** to Kolb Bioenergy NM1, LLC (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978, §§ 74-6-1 through 74-6-17, and the New Mexico Ground and Surface Water Protection Regulations, 20.6.2 NMAC. NMED's purpose in issuing this Discharge Permit is to control the discharge of water contaminants from Kolb Bioenergy NM1 (Facility) for the protection of groundwater and those segments of surface water gaining from groundwater inflow, for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health.

B. The Permittee is transferring up to 350,000 gallons per day (gpd) of dairy wastewater from four dairy facilities managed under the following discharge permits, to an anaerobic digester for natural gas production:
   - DP-764, Arroyo Dairy
   - DP-1003, Three Amigos Dairy
   - DP-163, P7 Dairy
   - DP-480, Double Aught Dairy

   This discharge or leachate may move directly or indirectly into groundwater of the State of New Mexico which has an existing concentration of 10,000 milligrams per liter (mg/L) or less of total dissolved solids (TDS) within the meaning of 20.6.2.3104 and 20.6.2.3101(A) NMAC. These discharges may contain water contaminants or toxic pollutants elevated above the standards of 20.6.2.3103 NMAC in compliance with the terms and conditions of this Discharge Permit.

C. In issuing this Discharge Permit, NMED has determined that the Permittee has met the requirements of 20.6.2.3109(C) NMAC. Pursuant to 20.6.2.3104 NMAC, it is the Permittee's responsibility to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

A101 Terms of Permit Issuance

A. **Permit Duration** - Pursuant to WQA 74-6-5(I) and 20.6.2.3109(H) NMAC, the term of a Discharge Permit shall be for the fixed term of **five years** from the effective date of the Discharge Permit.

B. **Permit Fees** – Payment of permit fees is due at the time of Discharge Permit approval. Permit fees shall be paid in a single payment or shall be paid in equal installments on a yearly basis over the term of the Discharge Permit. Single payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date. Initial installment payments shall be remitted to NMED no later than 30 days after the Discharge Permit effective date; subsequent installment payments shall be remitted to NMED no later than the anniversary of the Discharge Permit effective date. Permit fees are associated with issuance of this Discharge

Permit. Nothing in this Discharge Permit relieves the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. An approved Discharge Permit shall be suspended or terminated if the facility fails to remit an installment payment by its due date. [20.6.2.3114(F) NMAC, NMSA 1978, § 74-6-5.K]

C. **Permit Renewal** - To renew this Discharge Permit, the Permittee shall submit, in accordance with 20.6.2.3106 NMAC, an application and any associated fees for renewal, renewal and modification, or renewal for closure at least 120 days before the discharge permit expiration date, unless closure of the facility is approved by NMED before that date.

D. **Transfer of Ownership** - This Discharge Permit is being issued to Kolb Bioenergy NM1, LLC as identified in **Section A100** above. In accordance with 20.6.2.3111 NMAC, the Permittee, any listed owner(s) of record, and any holder(s) of an expired discharge permit are responsible for complying with the conditions listed herein. If during the duration of this Discharge Permit a change in the list of responsible parties is required, transfer of ownership shall be completed in accordance with 20.6.2.3111(A).

A102 Applicable Regulations

A. **Scope** - This Discharge Permit applies solely for the regulation of process wastewater or stormwater generated from facility operations and does not include regulation of domestic wastewater at the facility. Domestic wastewater generated at the facility is treated or disposed of pursuant to 20.7.3 NMAC and pending LW permit.

B. The discharge from the facility is not subject to any of the exemptions of 20.6.2.3105 NMAC.

C. Groundwater quality as observed in on-site monitoring wells is subject to the criteria of 20.6.2.3101 and 20.6.2.3103 NMAC unless otherwise specified in this Discharge Permit.

D. Complying with the applicable requirements of 20.6.2 NMAC does not relieve a facility's owner, operator or Permittee from complying with the requirements of other applicable local, state and federal regulations or laws.

A103 Facility: Physical Description

A. The digestor facility is located at 6402 Price's Lane, approximately ten miles northwest of Dexter, in Section 11, Township 12S, Range 25E, Chaves County. The digestor facility receives wastewater from dairy facilities and discharges wastewater back to the dairy facilities for disposal according to their individual Discharge Permits. The dairies are located in Sections 32 and 33, Township 11S, Range 25E and Sections 12 and 15, Township 12S, Range 25E, in Chaves County.

B. This facility is comprised of the following wastewater system components as identified in the application dated March 19, 2021 and the administrative record which includes the original Discharge Permit issued on April 28, 2014:

1. Wastewater and Stormwater impoundments:

   a. **Anaerobic Lagoon Digestor** – a 270 ft x 1130 ft x 18 ft, 80-mil HDPE primary liner and 60-mil HDPE secondary liner, heated, and 80-mil HDPE covered impoundment constructed in 2020 used to receive hydrolysis tank effluent and discharges into the digestate solids/liquid separation system. The lagoon digestor has a current storage capacity of 15.5 million gallons and is located in the middle of the digestor facility. Anaerobically produced biogas from the lagoon digestor discharges to a biogas upgrading system, where it is purified into Utility Natural Gas and injected into the Natural Gas pipeline.

   b. **Filtered Water Lagoon** – a 270 ft x 1130 ft x 18 ft, 80-mil HDPE primary liner and 60-mil HDPE secondary liner, and 80-mil HDPE covered impoundment constructed in 2016 used to receive digestate liquid and discharges to the digestate reverse osmosis (RO) system. The filtered water lagoon has a current storage capacity of 15.3 million gallons.

   c. **Digestate RO Concentrate Evaporation Lagoon** – a 620 ft x 330 ft x 4 ft, 60-mil HDPE lined impoundment with enhanced evaporation equipment proposed to be located south of the Filtered Water Lagoon.

   d. **Digestate RO Clean Water Storage Lagoon** – a 270 ft x 1130 ft x 18 ft, lined impoundment with 80-mil HDPE primary liner and 60-mil HDPE secondary liner constructed in 2016 used to receive RO clean water and discharges to lagoons at the four contributing dairy facilities. The Digestate RO Clean Water Storage Lagoon has a current storage capacity of 15.2 million gallons and is located between the Anaerobic Lagoon Digestor and the Filtered Water Lagoon.

   e. **Storm Water Runoff Pond** – an unlined impoundment proposed to be constructed and used to receive stormwater from the digestate solids drying area prior to transfer to the Filtered Water Lagoon. The Storm Water Runoff Pond has a proposed storage capacity of 1.61 acre-feet and will be located east of the Digestate Storage/Drying Pad.

   These system components identified are potential sources of groundwater contamination. **Section B100** lists all wastewater system components authorized to discharge under this Discharge Permit.

A104 Facility: Documented Hydrogeologic Conditions

A. Groundwater most likely to be affected at this facility is at a depth of approximately 65 feet and had a pre-discharge total dissolved solids concentration of 2,410 milligrams per liter.

B. Data collected from on-site monitoring wells document groundwater contamination attributed to one or more wastewater system components at this facility. Groundwater quality standards for NO_3-N have been exceeded according to the criteria of 20.6.2.3101 and 20.6.2.3103 NMAC.

PART B DISCHARGE REQUIREMENTS

B100 Facility: Authorized Discharge

A. NMED authorizes the Permittee to discharge water contaminants as part of facility operations subject to the following requirements:

1. The Permittee is authorized to receive up to 350,000 gpd of dairy wastewater from four dairies to an anaerobic digester for the production of biogas. At each of the four dairy facilities, the dairies mix wastewater with manure solids and may heat the mixture in 5,000-gallon concrete mix tanks. The dairy facilities discharge the mixture of manure solids and wastewater to a 45,000-gallon Fresh Manure Mix Tank. From the Fresh Manure Mix Tank wastewater is discharged into two identical process tracks (north and south), which consist of a 237,000-gallon Water Storage Tank (or Receiving Tank), a Dry Manure Pugmill System, a 5,257-gallon Manure Mix Tank, a Seditank Grit Removal, and a 924,602-gallon Hydrolysis Tank. From the two Hydrolysis Tanks (north and south), wastewater is discharged into the Anerobic Lagoon Digestor. Solids from the Anerobic Lagoon Digestor are discharged to the Digestate drying pad and are then disposed of in accordance with all applicable local, state, and federal regulations. Liquid from the Anerobic Lagoon Digestor is discharged to the Filtered Water Lagoon for storage prior to discharging to the digestate reverse osmosis (RO) system. RO permeate from the digestate RO system is discharged to the Digestate RO Clean Water Storage Lagoon prior to discharging the clean RO water back to the four contributing dairy facilities. RO concentrate from the digestate RO system is discharged to the Digestate RO Concentrate Evaporation Lagoon for disposal by evaporation.
2. The Permittee is authorized to use the following impoundments for the following purposes in accordance with 20.6.2.3107(A) NMAC, 20.6.2.3109(C) NMAC:
    a. **Anaerobic Lagoon Digestor** – authorized to receive wastewater to anaerobically produce biogas, which is injected into the Natural Gas pipeline. This impoundment ***exists*** as of the effective date of this Discharge Permit.
    b. **Filtered Water Lagoon** – authorized to receive digestate liquid from the Anaerobic Lagoon Digestor prior to discharging to the RO system. This impoundment ***exists*** as of the effective date of this Discharge Permit.
    c. **Digestate RO Concentrate Evaporation Lagoon** – authorized to receive wastewater for disposal by evaporation. This impoundment is ***proposed for construction***.
    d. **Digestate RO Clean Water Storage Lagoon** – authorized to receive RO clean water prior to discharging to lagoons at the four contributing dairy facilities. This impoundment ***exists*** as of the effective date of this Discharge Permit.
    e. **Storm Water Runoff Pond** – authorized to receive stormwater from the digestate solids drying area prior to transfer to the Filtered Water Lagoon. This impoundment is ***proposed for construction***.
3. The Permittee is authorized to transfer wastewater from the facility to the four contributing dairy facilities in order for them to apply wastewater to fields within their separately permitted land application areas in accordance with 20.6.2.3109(C) NMAC.

B. This Discharge Permit authorizes only those discharges specified herein. Any unauthorized discharges, such as spills or leaks must be reported to NMED in a corrective action conducted pursuant to 20.6.2.1203 NMAC.

B101 Existing System Controls

A. The Permit requires the following existing system controls at this facility as described below:

1. **Impoundments & Digester System** - The Permittee shall maintain operations of the existing impoundments as listed in **Section A103** above in accordance with conditions listed in **Table B2** to achieve compliance with this Discharge Permit. The wastewater impoundment system shall be designed to achieve compliance with the storage capacity requirements of 20.6.2.3107(A) NMAC, 20.6.2.3109(C) NMAC.
2. **Flow Meters** - The facility measures the volume of (1) wastewater discharged from the four contributing dairy facilities and (2) wastewater discharged to impoundments within the system and to an impoundment for disposal by evaporation [20.6.2.3107(A) NMAC]:
    a. **FM-1** - located on the discharge line from P7 Dairy (DP-163) to measure the volume of wastewater discharged from the production area to the digestor facility.
    b. **FM-2** - located on the discharge line from Arroyo Dairy (DP-764) to measure the volume of wastewater discharged from the production area to the digestor facility.
    c. **FM-3** - located on the discharge line from Three Amigos Dairy (DP-1003) to measure the volume of wastewater discharged from the production area to the digestor facility.
    d. **FM-4** - located on the discharge line from Double Aught Dairy (DP-480) to measure the volume of wastewater discharged from the production area to the digestor facility.
    e. **FM-5** – located on the discharge line from the Digestate RO Clean Water Storage Lagoon to measure the volume of wastewater discharged from the lagoon to the four contributing dairies.
    f. **FM-6** – located on the discharge line from the Digestate RO System to measure the volume of RO concentrate discharged from the Digestate RO System to the Digestate RO Concentrate Evaporation Lagoon.
    g. **FM-11** - located on the discharge line from the Digestate RO Clean Water Storage Lagoon to measure the volume of wastewater received from the lagoon at P7 Dairy (DP-163).
    h. **FM-12** - located on the discharge line from the Digestate RO Clean Water Storage Lagoon to measure the volume of wastewater received from the lagoon at Arroyo Dairy (DP-764).
    i. **FM-13** - located on the discharge line from the Digestate RO Clean Water Storage Lagoon to measure the volume of wastewater received from the lagoon at Three Amigos Dairy (DP-1003).

3. **Monitoring Wells** - The facility uses the following monitoring wells to supply data representative of groundwater quality [20.6.2.3107(A) NMAC]:

   a. **MW-1** - hydrologically upgradient of all contamination sources at the facility and located in the northwest corner of the property.

   b. **MW-2** - hydrologically downgradient of the northern portion of the Anerobic Lagoon Digestor and located east of the Anerobic Lagoon Digestor.

   c. **MW-3** - hydrologically downgradient of the Filtered Water Lagoon and Digestate RO Clean Water Storage Lagoon and located southeast of the Digestate RO Clean Water Storage Lagoon.

   d. **MW-4** – hydrologically downgradient of the Digestate RO Concentrate Evaporation Pond.

B102 Conditions for Operation

A. NMED has reviewed the permit application for the proposed facility and has determined that the provisions of the applicable groundwater quality standards will be met in accordance with this Discharge Permit. General conditions for all Discharge Permits issued by the Ground Water Quality Bureau pursuant to NMAC 20.6.2 are summarized on **Table B1**. Unless otherwise specified in Parts A or B of this Discharge Permit, both the general conditions for a facility discharge permit (as listed in this part) and facility-specific conditions as listed are mandated to assure continued compliance.

Table B1
General Discharge Permit Conditions:

Engineering and Surveying
a) Prior to receiving dairy waste at the facility, the Permittee shall submit written notification to NMED stating the date the discharge is to commence. [20.6.2.3107(A) NMAC, 20.6.2.3109(H) NMAC]
b) Within 30 days of the effective date of this Discharge Permit (**by Date**), the Permittee shall post signage in both English and Spanish at the facility entrance and other areas where there is potential for public contact with wastewater (i.e. land application area or surface disposal area) in accordance with the following: • The signage shall state: "Notice: wastewater at the facility is not potable" and "Aviso: el agua residual de la fabrica no es potable"-OR- "Notice: waste disposal area, keep out" and "Aviso: area de disposicion, no entrar." posted at the land application area and every 500 feet along the land application boundary. The Permittee shall submit photographic evidence of installation the next scheduled **Quarterly Monitoring Report**.
c) Prior to receiving dairy waste at the facility, the Permittee shall submit an up-to-date diagram of the layout of entire facility to NMED. The diagram shall include the following elements: • north arrow

- effective date of the diagram
- overall facility layout
- sumps
- wastewater impoundments
- anerobic digestor
- groundwater monitoring wells
- irrigation wells
- meters measuring wastewater discharges to impoundments
- meters measuring wastewater received from contributing dairy facilities
- wastewater distribution pipelines
- each ditch irrigation system, acequia, irrigation canal and drain
- wastewater sampling locations
- septic tanks and leachfields

Any element that cannot shown due to its location inside of existing structures, or because it is buried without surface identification, shall be on the diagram in a schematic format and identified as such. [20.6.2.3106(C)NMAC, 20.6.2.3107(A) NMAC]

Operations and Maintenance

d) Operate in a manner such that standards and requirements of 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.

e) Maintain all fencing around the facility to control access by the general public and animals.

f) Maintain all signage indicating that the wastewater at the facility is not potable. All signage shall be printed in English and Spanish and shall remain visible and legible.

g) Repair or replace compromised pipe(s) or fixture(s) within 72 hours of discovery.

Inspection and Monitoring

h) Visually inspect all facility pipes and fixtures on a weekly basis for evidence of leaks or failure. [20.6.2.3107 NMAC]

Recordkeeping and Reporting

i) Maintain written records at the facility of any inspection(s), repairs and maintenance conducted on facility infrastructure as related the wastewater management system.

j) Conduct the monitoring, reporting, and other requirements in accordance with the monitoring requirements of this Discharge Permit. [20.6.2.3107(A) NMAC, 20.6.2.3109(C) NMAC]

k) Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in 20.6.2.3107(B) NMAC

l) Unless otherwise identified in this Discharge Permit, submit monitoring reports to NMED quarterly according to the following schedule: [20.6.2.3107(A) NMAC]

- January 1 through March 31 (first quarter) – report due by **May 1**
- April 1 through June 30 (second quarter) – report due by **August 1**

- July 1 through September 30 (third quarter) – report due by **November 1**
- October 1 through December 31 (fourth quarter) – report due by **February 1**

m) Retain required records for a minimum period of five years from the date of any sample collection, measurement, report or application in accordance with 20.6.2.3107 NMAC, 74-6-5 WQA.

B. **Impoundments & Digester System -** The Permittee shall manage all impoundments at the facility in accordance with 20.6.2.3107 and 20.6.2.3109 NMAC and the conditions summarized in **Table B2** below.

Table B2
Impoundments & Digester System

Engineering, Surveying and Construction and/or Improvements
a) The Permittee shall submit final construction plans and specifications for the proposed Digestate RO Concentrate Evaporation Pond and Storm Water Runoff Pond to NMED for review and approval 90 days prior to construction. Construction plans and specifications, and supporting design calculations, shall bear the seal and signature of a licensed New Mexico professional engineer (pursuant to New Mexico Engineering and Surveying Practice Act and the rules promulgated under that authority). The submitted documentation shall include the following: • Details for the construction of the evaporative impoundment and a liner consistent with the attachment titled *Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons – Liner Material and Site Preparation, Revision 0.0, May 2007*. • Design calculations for the capacity and evaporative potential of the evaporative impoundment. The impoundment shall be designed to dispose of the permitted discharge volume by evaporation such that two feet of freeboard is preserved at all times. Seasonal discharge patterns may be considered in the design calculations.
Operations and Maintenance of All Impoundments
b) Maintain impoundments to prevent conditions which could affect the structural integrity of the impoundments and associated liners. Such conditions include or may be characterized by the following: • Erosion damage • Animal burrows or other damage • The presence of large debris or large quantities of debris in the impoundment • Evidence of seepage • Evidence of berm subsidence • The presence of vegetation, including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself.

Table B2
Impoundments & Digester System

Vegetation growing around the impoundment shall be routinely controlled by mechanical removal in a manner that is protective of the impoundment liner.
c) The Permittee shall preserve a minimum of two feet of freeboard between the liquid level in the uncovered impoundment(s) and the elevation of the top of the impoundment liner. In the event that the Permittee determines that two feet of freeboard cannot be preserved in the uncovered impoundments, the Permittee shall enact the contingency plan set forth in this Discharge Permit. Repair or replace the faulty pipe(s) or fixture(s) within 72 hours of discovery of an unauthorized discharge.
Inspection and Monitoring All Impoundments
d) Visually inspect impoundments and surrounding berms on a monthly basis to ensure proper condition and control vegetation growing around the impoundments in a manner that is protective of the liners.
e) Visually inspect pipes and fixtures on a weekly basis for evidence of leaks or failure. In areas where pipes and fixtures cannot be visually inspected because they are buried, visually inspect the area directly surrounding the features for evidence of leaks or failure (e.g., saturated surface soil, surfacing wastewater, etc.).
f) The Permittee shall collect a composite wastewater sample on a semi-annual basis (once every six months) from the Digestate RO Clean Water Storage Lagoon. The composite sample(s) shall consist of a minimum of six equal sub-samples collected around the entire perimeter of the impoundment and thoroughly mixed. The composite sample(s) shall be analyzed for TKN, NO_3-N, TDS, Cl, and sulfate. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the **monitoring reports due by February 1st and August 1st of each year**.
g) The Permittee shall collect a composite wastewater sample on an annual basis from the Storm Water Runoff Pond. The composite sample(s) shall consist of a minimum of six equal sub-samples collected around the entire perimeter of the evaporative impoundment and thoroughly mixed. The composite sample(s) shall be analyzed for TKN, NO_3-N, TDS, Cl, and sulfate. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the **monitoring reports due by February 1st of each year**.
h) The Permittee shall collect a composite wastewater sample on an annual basis from the Digestate RO Concentrate Evaporation Pond. The composite sample(s) shall consist of a minimum of six equal sub-samples collected around the entire perimeter of the evaporative impoundment and thoroughly mixed. The Permittee shall analyze the composite sample for the following inorganic contaminants (dissolved fraction [i.e.,filtered], except as noted):

Table B2
Impoundments & Digester System

- aluminum (CAS 7429-90-5)
- antimony (CAS 7440-36-0)
- arsenic (CAS 7440-38-2)
- barium (CAS 7440-39-3)
- beryllium (CAS 7440-41-7)
- boron (CAS 7440-42-8)
- cadmium (CAS 7440-43-9)
- chloride (CAS 16887-00-6)
- chromium (CAS 7440-47-3)
- cobalt (CAS 7440-48-4)
- copper (CAS 7440-50-8)
- cyanide (nonfiltered) (CAS 57-12-5)
- fluoride (CAS 16984-48-8)
- iron (CAS 7439-89-6)
- lead (CAS 7439-92-1)
- manganese (CAS 7439-96-5)
- molybdenum (CAS 7439-98-7)
- total mercury (nonfiltered) (CAS 7439-97-6)
- pH (instantaneous)
- nickel (CAS 7440-02-0)
- nitrate (CAS 14797-55-8)
- selenium (CAS 7782-49-2)
- silver (CAS 7440-224)
- sulfate (CAS 14808-79-8)
- thallium (CAS 7440-28-0)
- TKN
- total dissolved solids
- uranium (CAS 7440-61-1)
- zinc (CAS 7440-66-6)

TKN, NO_3-N, TDS, Cl, and sulfate. Samples shall be properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. Analytical results shall be submitted to NMED in the **monitoring reports due by February 1st of each year**.

Recordkeeping and Reporting All Impoundments

i) Notify NMED at least five working days before starting construction or improvement of an impoundment to allow for an inspection by NMED personnel.

j) Within 90 days of completed impoundment construction, submit a Construction Certification Report verifying construction. The construction certification report shall include: record drawings, final specifications, final capacity calculations and the CQA/CQC report, and bear the seal and signature of a licensed New Mexico professional engineer.

k) Report any unauthorized discharges to NMED pursuant to 20.6.2.1203 NMAC.

l) Unless otherwise specified in this Discharge Permit, submit all monitoring information in accordance with the general reporting schedule listed in Table B1 of this Discharge Permit.

m) Notify NMED within 24 hours of discovery of any observed impoundment condition(s) that may impact the structural integrity of a berm or liner or that may result in an unauthorized discharge. [20.6.2.3107 NMAC]

n) Maintain written records at the facility of all facility inspections including repairs and replacements.

C. **Solids Management -** The Permittee shall mange all solids at the facility in accordance with 20.6.2.3101 NMAC and the conditions summarized in **Table B3** below.

Table B3
Solids Management

Engineering and Surveying
a) None required.
Operations and Maintenance
b) The Permittee shall store and remove solids separated from the wastewater in a manner and frequency necessary to prevent the contamination of groundwater. Solids removed from the impoundments shall be contained, transported, and disposed of in accordance with all local, state, and federal regulations. **Disposal of solids on the surface disposal area is prohibited.** Prior to off-site disposal, any solids stored at the facility shall be managed to minimize the generation and infiltration of leachate by diverting stormwater run-on and run-off and by preventing the ponding of water within solids stockpiling.
Inspection and Monitoring
c) The Permittee shall inspect all associated solids management system components on a quarterly basis and clean as needed. The Permittee shall maintain a record of inspections, repairs and cleanings. Solids shall be stored and transported off-site in accordance all local, state, and federal regulations.
Recordkeeping and Reporting
d) The Permittee shall maintain manifests for all solids transported from the facility. The manifests shall identify the date, volume of solids removed and method of disposal. The manifests shall be available to NMED upon request.

D. **Flow Meters** – Pursuant to 20.6.2.3107 (A) and 20.6.2.3109 (C), the Permittee shall employ a flow metering system that uses flow measurement devices (flow meters) to measure the volume(s) of 1) wastewater discharged from the production area and 2) wastewater transferred from the facility. All flow meters employed at the facility shall be managed in accordance with the conditions listed in **Table B4** below.

Table B4
Flow Meters

Engineering and Surveying
a) None required.
Operations and Maintenance
b) Prior to receiving dairy waste at the facility, the Permittee shall install the following flow meters in accordance with 20.6.2.3107 NMAC: • **FM-1** – to be located on the discharge line from P7 Dairy (DP-163). Measure the volume of wastewater discharged from the production area at P7 Dairy (DP-163) to the digestor facility • **FM-2** – to be located on the discharge line from Arroyo Dairy (DP-764). Measure the volume of wastewater discharged from the production area at Arroyo Dairy (DP-764) to the digestor facility

Table B4
Flow Meters

- **FM-3** - to be located on the discharge line from Three Amigos Dairy (DP-1003). Measure the volume of wastewater discharged from the production area at Three Amigos Dairy (DP-1003) to the digestor facility
- **FM-4** - to be located on the discharge line from Double Aught Dairy (DP-480). Measure the volume of wastewater discharged from the production area at Double Aught Dairy (DP-480) to the digestor facility
- **FM-5** – located on the discharge line from the Digestate RO Clean Water Storage Lagoon. Measure the volume of wastewater discharged from the lagoon to the four contributing dairies
- **FM-6** - located on the discharge line from the Digestate RO System. Measure the volume of RO concentrate discharged from the Digestate RO System to the Digestate Ro Concentrate Evaporation Lagoon
- **FM-11** - to be located on the discharge line from the Digestate RO Clean Water Storage Lagoon. Measure the volume of wastewater received at Arroyo Dairy (DP-764) from the Digestate RO Clean Water Storage Lagoon
- **FM-12** - to be located on the discharge line from the Digestate RO Clean Water Storage Lagoon. Measure the volume of wastewater received at Three Amigos Dairy (DP-1003) from the Digestate RO Clean Water Storage Lagoon
- **FM-13** - to be located on the discharge line from the Digestate RO Clean Water Storage Lagoon. Measure the volume of wastewater received at P7 Dairy (DP-163) from the Digestate RO Clean Water Storage Lagoon

c) All flow meters shall be calibrated in accordance with the manufacturer's requirements prior to installation or reinstallation following repair.

Inspection and Monitoring

d) The Permittee shall measure the monthly volume of wastewater received at the facility. The Permittee shall obtain readings from totalizing flow meters (**FM-1, FM-2, FM-3, FM-4**) located on the discharge lines from the contributing dairy facilities to the digestor facility on a monthly basis and calculate the monthly and average daily volume discharged to the digestor facility. The monthly meter readings, and calculated monthly and average daily discharge volumes shall be submitted to NMED in the **Quarterly Monitoring Reports.**

e) The Permittee shall measure the monthly volume of wastewater discharged from the Digestate RO Clean Water Storage Lagoon to the four contributing dairy facilities. The Permittee shall obtain readings from totalizing flow meters (**FM-11, FM-12, FM-13**) located on the discharge lines between the Digestate RO Clean Water Storage Lagoon and the four contributing dairy facilities on a monthly basis and calculate the monthly and average daily discharge volume. The monthly meter readings, and calculated monthly and average daily discharge volumes shall be submitted to NMED in the **Quarterly Monitoring Reports.**

f) The Permittee shall measure the monthly volume of wastewater discharged from the Digestate RO Clean Water Storage Lagoon to the four contributing dairy facilities. The Permittee shall obtain readings from a totalizing flow meter (**FM-5**) located on the discharge line between the Digestate RO Clean Water Storage Lagoon and the four contributing dairy facilities on a monthly basis and

Table B4
Flow Meters

calculate the monthly and average daily discharge volume. The monthly meter readings, and calculated monthly and average daily discharge volumes shall be submitted to NMED in the **Quarterly Monitoring Reports.**
g) The Permittee shall measure the monthly volume of wastewater discharged from the Digestate RO System to the Digestate RO Concentrate Evaporation Pond. The Permittee shall obtain readings from a totalizing flow meter (**FM-6**) located on the discharge line between the Digestate RO System and the Digestate RO Concentrate Evaporation Pond on a monthly basis and calculate the monthly and average daily discharge volume. The monthly meter readings, and calculated monthly and average daily discharge volumes shall be submitted to NMED in the **Quarterly Monitoring Reports.**
h) Visually inspect flow meters on a weekly basis for evidence of malfunction. If a visual inspection indicates a flow meter is not functioning to measure flow, the Permittee shall initiate repair or replacement of the meter within 30 days of discovery.
Recordkeeping and Reporting
i) Within 30 days of meter installation, submit a **Confirmation of Installation** report to NMED that includes: a description of the device type, manufacturer, meter identification, location, record drawings, and a copy of the manufacturer's certificate of calibration and a copy of the manufacturer's recommended maintenance schedule.
j) Maintain copies of the manufacturer's certificate of calibration and the manufacturer's recommended maintenance schedule at the facility.
k) Record of meter readings at intervals not to exceed monthly. The average daily discharge volume for each recording interval shall be calculated by dividing the difference between the meter readings by the number of days between meter readings.
l) Record meter readings (without adjustments or deductions) and submit in the **Quarterly Monitoring Reports**. Include the date, time and units of each measurement, and calculations for the average daily volumes of wastewater discharged from the processing area, reported in gallons per day.
m) For meters requiring repair, submit a report to NMED with the subsequent monitoring report following the repair that includes a description of the malfunction, a statement verifying the repair, and a copy of the manufacturer's or repairer's certificate of calibration.
n) For meters requiring replacement, submit a report to NMED with the subsequent monitoring report following the replacement that includes plans for the device, a copy of the manufacturer's certificate of calibration, and a copy of the manufacturer's recommended maintenance schedule.
o) The Permittee shall maintain a log of repairs. The log shall be available, at all times, for NMED inspection.

E. Monitoring Wells - Pursuant to 20.6.2.3107 (A) and 20.6.2.3109 (C), the Permittee is required to install monitoring wells at appropriate depths and locations to monitor groundwater quality. The approved groundwater monitoring well system at the facility is detailed in Table B5 below.

Table B5
Groundwater Monitoring Wells

Engineering and Surveying

a) Prior to receiving dairy waste at the facility, the Permittee shall submit a written monitoring well location proposal for review and approval by NMED. The proposal shall designate the locations of the monitoring well required to be installed by this Discharge Permit. The proposal shall include, at a minimum, the following information:

- A map showing the proposed location of the monitoring well from the boundary of the source it is intended to monitor
- A written description of the specific location proposed for the monitoring well including the distance (in feet) and direction of the monitoring well from the edge of the source it is intended to monitor. Examples include: 35 feet north-northwest of the northern berm of the synthetically lined impoundment; 30 feet southeast of the land application area; 150 degrees from north
- A statement describing groundwater flow direction beneath the facility, and documentation and/or data supporting the determination

All proposed monitoring well locations shall be approved by NMED prior to installation. [NMSA 1978, § 74-6-5.D, 20.6.2.3109(B) NMAC]

b) Survey all **new** facility groundwater monitoring wells upon installation in accordance with 20.6.2.3107(A) NMAC.

Operations and Maintenance

c) Within 120 days following written approval from NMED for proposed monitoring well location, install and complete the following additional groundwater monitoring well:

- **MW-4**, hydrologically downgradient of the Digestate RO Concentrate Evaporation Pond

All new wells shall be completed in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*. Construction and lithologic logs shall be submitted to NMED within 30 days of well completion.

d) Following installation of the monitoring well required by this Discharge Permit, the Permittee shall sample groundwater in the well and analyze the sample for dissolved TKN, NO_3-N, TDS, Cl, and sulfate. Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure:

- Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.
- Purge three well volumes of water from the well prior to sample collection.
- Obtain samples from the well for analysis.
- Properly prepare, preserve and transport samples.
- Analyze samples in accordance with the methods authorized in this Discharge Permit.

Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED within 30 days of the completion of the monitoring well survey.

Inspection and Monitoring

Table B5
Groundwater Monitoring Wells

e) Perform quarterly groundwater sampling for all facility monitoring wells as identified in Section B101 A.3 and analyze the samples for dissolved TKN, NO_3-N, TDS, Cl, and sulfate. Groundwater sample collection, preservation, transport and analysis shall be performed according to the following procedure:

- Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.
- Purge three well volumes of water from the well prior to sample collection.
- Obtain samples from the well for analysis.
- Properly prepare, preserve and transport samples.
- Analyze samples in accordance with the methods authorized in this Discharge Permit.

Depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a facility layout map showing the location and number of each well shall be submitted to NMED in the **Quarterly Monitoring Reports.**

f) The Permittee shall develop a groundwater elevation contour map on a quarterly basis using the top of casing elevation data from the monitoring well survey and quarterly depth-to-most-shallow groundwater measurements obtained from the groundwater monitoring wells required by this Discharge Permit.

The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. Groundwater elevations between monitoring well locations shall be estimated using common interpolation methods. A contour interval appropriate to the data shall be used, but in no case shall the interval be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source. The groundwater elevation contour map shall be submitted to NMED in the **Quarterly Monitoring Reports.**

g) Prior to the expiration date of this Discharge Permit, NMED shall have the option to perform one downhole inspection of each monitoring well identified in this Discharge Permit. NMED shall establish the inspection date and provide at least 60 days' notice to the Permittee by certified mail. The Permittee shall have any existing dedicated pumps removed at least 48 hours prior to NMED inspection to allow adequate settling time of any sediment agitated as a result of pump removal.

Recordkeeping and Reporting

h) A **Quarterly Monitoring Reports** shall be filed with NMED in accordance with the general reporting schedule listed in **Table B1**. Each **Quarterly Monitoring Report** shall contain, at a minimum, the following information:

- Facility map with location and number of each well in relation to the contamination source it is intended to monitor
- Depth-to-shallowest groundwater measurements
- Field parameter measurements and parameter stabilization log

Table B5
Groundwater Monitoring Wells

- Analytical results (including the laboratory quality assurance and quality control summary report)
- Groundwater elevation contour maps utilizing elevation contours of 2 ft or less

B103 Facility: Conditions for Closure

A. For permanent closure, the following closure actions shall be completed upon permanent cessation of wastewater discharge:

1. Within 60 days of ceasing discharging to the impoundments, the line leading to the impoundments shall be plugged so that a discharge can no longer occur.
2. Within 60 days of ceasing discharging to the impoundments, wastewater shall be evaporated or drained from the impoundment and any other wastewater system components and disposed of in accordance with all local, state, and federal regulations.
3. Within 90 days of ceasing discharging to the impoundments, the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.
    a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.
    b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO_3-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).
    c) The method(s) of sludge removal from the impoundments.
    d) The method(s) of disposal for all of the sludge (and its contents) removed from the impoundments. The method(s) shall comply with all local, state and federal regulations, including 40 CFR Part 503. *Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.*
    e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundments ceased.
4. Within one year following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.
    a) Remove all lines leading to and from the impoundments, or permanently plug and abandon them in place.
    b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and

prevent ponding.

c) Perforate or remove the impoundment liners.

d) Fill the impoundments with suitable fill.

e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding.

5. The Permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight (8) consecutive quarterly groundwater sampling events that the standards of 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.

   If monitoring results show that a groundwater quality standard in 20.6.2.3103 NMAC is exceeded, the total nitrogen concentration in groundwater exceeds 10 mg/L, or a toxic pollutant as defined in 20.6.2.7 NMAC is present in groundwater, the Permittee shall implement the contingency plan required by this Discharge Permit.

6. Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring wells in accordance with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions*, Revision 1.1, March 2011.

7. When all closure and post-closure requirements have been met, the Permittee may request to terminate the Discharge Permit [20.6.2.3109 NMAC, 20.6.2.3107. NMAC].

B104 <u>Facility: Contingency Plan</u>

A. In the event NMED or the Permittee identifies any failures of the Discharge Permit or system not specifically noted herein, NMED may require the Permittee to develop for NMED approval a contingency or corrective action plan and schedule to cope with the failure(s) [20.6.2.3107.A(10) NMAC].

B. Facility conditions that will invariably require Permittee action under one or more contingency plans include:

1. **<u>Exceedance of groundwater quality standards</u>** – In the event that groundwater monitoring indicates that a groundwater quality standard identified in 20.6.2.3103 NMAC is exceeded; the total nitrogen concentration in groundwater is greater than 10 mg/L; or a toxic pollutant (defined in 20.6.2.7(T) NMAC) is present in a groundwater sample and in any subsequent groundwater sample collected from a monitoring well required by this Discharge Permit, the Permittee shall enact the following contingency plan:

   Within 60 days of the subsequent sample analysis date, the Permittee shall propose measures to ensure that the exceedance of the standard or the presence of a toxic pollutant will be mitigated by submitting a corrective action plan to NMED for approval. The corrective action plan shall include a description of the proposed actions to control the source and an associated completion schedule. The plan shall be enacted as approved by NMED.

   Once invoked (whether during the term of this Discharge Permit; or after the term of this

Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of two years of consecutive groundwater sampling events that the standards of 20.6.2.3103 NMAC are not exceeded and toxic pollutants are not present in groundwater.

2. **Ineffective groundwater monitoring well(s)** – In the event that information available to NMED indicates that a well(s) is not constructed in a manner consistent with the attachment titled *Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011*; contains insufficient water to effectively monitor groundwater quality; or is improperly located the Permittee shall install a replacement well(s) and shall survey the replacement monitoring well(s) within 120 days following notification from NMED.

   Replacement well location(s) shall be approved by NMED prior to installation and completed in accordance with the attachment titled Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.

   Upon completion of the replacement monitoring well(s), the monitoring well(s) requiring replacement shall be properly plugged and abandoned. Well plugging, abandonment and documentation of the abandonment procedures shall be completed in accordance with the attachment titled Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The well abandonment documentation shall be submitted to NMED within 60 days of completion of well plugging activities.

3. **Exceedance(s) of permitted maximum daily discharge volume** - The maximum daily discharge volume authorized by this Discharge Permit is exceeded by more than ten percent for any four average daily discharge volumes within any 12-week period the Permittee shall submit a corrective action plan to reduce the discharge volume for NMED approval.

4. **Insufficient impoundment capacity** – In the event a survey, capacity calculations, or settled solids thickness measurements indicate an existing impoundment is not capable of meeting the capacity the Permittee shall submit a corrective action plan for NMED approval.

   The plan may include, but is not limited to, proposals for constructing an additional impoundment, reducing the discharge volume, removing accumulated solids, changing wastewater management practices, or installing an advanced treatment system. The corrective action plan shall include a schedule for implementation through completion of corrective actions. The corrective action plan schedule shall propose completion not to exceed one year from the submittal date of the initial corrective action plan. The Permittee shall initiate implementation of the plan following approval by NMED. Should the corrective action plan include removal of accumulated solids, solids shall be removed from the impoundment in a manner that is protective of the impoundment liner. The plan

shall include the method of removal, and locations and methods for storage and disposal of the solids.

5. **Inability to maintain required freeboard** - A minimum of two feet of freeboard cannot be preserved in one or more wastewater impoundment(s).

   In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term corrective action plan to NMED for approval. Examples of short-term corrective actions include: removing excess wastewater from the impoundment through pumping and hauling; or reducing the volume of wastewater discharged to the impoundment. The plan shall include a schedule for completion of corrective actions and shall be submitted within 15 days following the date when the two feet of freeboard limit was initially discovered. The Permittee shall initiate implementation of the plan following approval by NMED.

6. **Impoundment(s) structural integrity compromised** - Any damage to the berms or the liner of an impoundment or any condition that exists that may compromise the structural integrity of the impoundment.

   The Permittee shall propose the repair or replacement of the impoundment liner(s) by submitting a corrective action plan to NMED for approval. The plan shall be submitted to NMED within 30 days after discovery by the Permittee or following notification from NMED that significant liner damage is evident. The corrective action plan shall include a schedule for completion of corrective actions and the Permittee shall initiate implementation of the plan following approval by NMED.

7. **Spills, leaks, unauthorized discharge** – Any spill or release that is not authorized under this Discharge Permit. the Permittee shall comply with the requirements of Sections 20.6.2.1203 NMAC, and shall submit to NMED all information or documentation required by the applicable portions of Sections 20.6.2.1203 NMAC.

C. The Permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC, should the corrective action plan not result in compliance with the standards and requirements set forth in 20.6.2.4103 NMAC within 180 days of confirmation of groundwater contamination.

PART C GENERAL TERMS AND CONDITIONS

C100 Legal

A. Nothing in this Discharge Permit in any way, relieves the Permittee of the obligation to comply with all applicable federal, state, and local laws, regulations, permits or orders [20.6.2 NMAC].

B. Pursuant to 20.6.2.3109 NMAC, NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the requirements of 20.6.2 NMAC are being or may be violated or the standards of 20.6.2.3103 NMAC are being or may be violated. This may include a determination that structural controls and/or management practices approved under this Discharge Permit are not protective of groundwater quality, and NMED may

require more stringent actions to protect groundwater quality. NMED may require the Permittee to implement abatement of water pollution and remediate groundwater quality.

C. Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to $15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the 20.6.2 NMAC, or this Discharge Permit, and civil penalties of up to $10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit. [74-6-10 WQA, 74-6-10.1 WQA]

D. Pursuant to WQA 74-6-10.2(A-F), NMED may assess criminal penalties for any person who knowingly violates or knowingly causes or allows another person to:

1. Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or required to be maintained under the WQA;
2. Falsify, tamper with or render inaccurate any monitoring device, method or record required to be maintained under the WQA; or
3. Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation, is subject to felony charges and shall be sentenced in accordance with the provisions of 31-18-15 NMSA 1978.

E. The Permittee shall notify the proposed transferee in writing of the existence of this Discharge Permit and include a copy of this Discharge Permit with the notice in accordance with 20.6.2.3111 NMAC, prior to the transfer of any ownership, control, or possession of this permitted facility or any portion thereof. The transferee(s) shall notify NMED, in writing, of the date of transfer of ownership and provide contact information for the new owner(s) pursuant to 20.6.2.3111(B) NMAC. Submit to NMED notification of the transfer within 30 days of the ownership transfer date. [20.6.2.3111 NMAC]

F. Pursuant to WQA 74-6-5(o), the Permittee has a right to appeal the conditions and requirements as outlined in this Discharge Permit through filing a petition for review before the WQCC. Such petition shall be in writing to the WQCC within thirty (30) days of the receipt of this Discharge Permit. Unless a timely petition for review is made, the decision of NMED shall be final and not subject to judicial review.

C101 <u>General Inspection and Entry Requirements</u>

A. Nothing in this Discharge Permit limits in any way, the inspection and entry authority of NMED under the WQA, 20.6.2 NMAC, or any other applicable law or regulation. [20.6.2.3107 NMAC, 74-6-9(B) & (E) WQA]

B. The Permittee shall allow the Secretary or an authorized representative, upon the presentation of credentials, to [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]:

1. Enter at regular business hours or at other reasonable times upon the Permittee's premises or other location where records must be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
2. Inspect and copy, during regular business hours or at other reasonable times, any records required to be kept under the conditions of this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
3. Inspect, at regular business hours or at other reasonable times, any facility, equipment (including monitoring and control equipment or treatment works), practices or operations regulated or required under this Discharge Permit, 20.6.2 NMAC, or any other applicable law or regulation.
4. Sample or monitor, at reasonable times for the purpose of assuring compliance with this Discharge Permit or as otherwise authorized by the WQA, any effluent, water contaminant, or receiving water at any location before or after discharge.

C102 General Record Keeping and Reporting Requirements

A. The Permittee shall maintain a written record of the following:

1. Amount of wastewater, effluent, leachate or other wastes discharged pursuant to this Discharge Permit. [20.6.2.3107.A NMAC]
2. Operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater; to measure flow rates, to monitor water quality, or to collect other data required by this Discharge Permit. Per 20.6.2.3107(A) NMAC, this record shall include:
    a. Repair, replacement or calibration of any monitoring equipment
    b. Repair or replacement of any equipment used in the Permittee's waste or wastewater treatment and disposal system.
3. Any spills, seeps, and/or leaks of effluent, and of leachate and/or process fluids not authorized by this Discharge Permit. [20.6.2.3107.A NMAC]

B. The Permittee shall maintain at its facility a written record of all data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit. The following information shall be recorded and shall be made available to NMED upon request:

1. The dates, exact place and times of sampling or field measurements;

2. The name and job title of the individuals who performed each sample collection or field measurement;
3. The date of the analysis of each sample;
4. The name and address of the laboratory and the name and job title of the person that performed the analysis of each sample;
5. The analytical technique or method used to analyze each sample or take each field measurement;
6. The results of each analysis or field measurement, including raw data;
7. The results of any split sampling, spikes or repeat sampling; and
8. A description of the quality assurance (QA) and quality control (QC) procedures used.

C. The Permittee shall furnish to NMED, within a reasonable time, any documents or other information which it may request to determine whether cause exists for modifying, terminating and/or renewing this Discharge Permit or to determine compliance with this Discharge Permit. The Permittee shall also furnish to NMED, upon request, copies of documents required to be kept by this Discharge Permit. [20.6.2.3107.D NMAC, 74-6-9(B) & (E) WQA]

C103 Modifications and/or Amendments

A. The Permittee shall notify NMED of any changes to the Permittee's wastewater treatment and disposal system, including any changes in the wastewater flow rate or the volume of wastewater storage, or of any other changes to operations or processes that would result in any significant change in the discharge of water contaminants. The Permittee shall obtain NMED's approval, as a modification to this Discharge Permit pursuant to Subsections E, F, or G of 20.6.2.3109 NMAC, prior to any increase in the quantity discharged, or any increase in the concentration of water contaminants discharged, above those levels approved in this Discharge Permit [20.6.2.3107.C NMAC].

B. The Permittee shall file plans and specifications with NMED for the construction of a wastewater system and for proposed changes that will change substantially the quantity or quality of the discharge from the system. The Permittee shall file plans and specifications prior to the commencement of construction. Changes to the wastewater system having a minor effect on the character of the discharge shall be reported as of January 1 and June 30 of each year to NMED. [20.6.2.1202 NMAC]

Part D MISCELLANEOUS

D100 Acronyms

CL.....chloride
CQA .....construction quality assurance
CQC.....construction quality control

DP .....discharge permit
FEMA .....Federal Emergency Management Administration
FIRM .....flood insurance rate map
gpd .....gallon per day
mg/L .....milligram per liter
mL.....milliliters
NMAC .....New Mexico Administrative Code
NMED .....New Mexico Environment Department
NMSA .....New Mexico Statutes Annotated
NO_3-N.....nitrate as nitrogen
SDDS.....surface disposal data sheet(s)
TDS .....total dissolved solids
TKN .....total Kjeldahl nitrogen
WQA .....New Mexico Water Quality Act
WQCC .....Water Quality Control Commission